



# **RULE-MAKING ORDER** (RCW 34.05.360)

**CR-103** (10/1/89)

Agency: Agriculture

- ☒ Permanent Rule  
☐ Emergency Rule

(1) Date of adoption: October 11, 1991

(2) Purpose: To prevent the introduction of Peach Yellows, Little Peach, Red Suture Disease Peach Rosette Disease, Peach Mosaic Virus Disease, and Peach Rosette Mosaic Virus Disease in the state of Washington.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 16-487-005 through 16-487-335

Suspended:

(4) Authority for adoption:

Statute: Chapter 17.24 RCW

Other Authority:

**(5.1) PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 91-15-097 on July 24, 1991 (date).

Describe any changes other than editing from proposed to adopted version:

**(5.2) EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- ☐ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

☒ 31 days after filing☐ Immediately☐ Other (specify) \*☐ Later (specify)

\* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

OCT 11 1991

TIME 1:24

WSR 91-21-041

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

TITLE Director

DATE 10/11/91



NEW SECTION

WAC 16-487-005 DEFINITIONS. (1) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Mycoplasma-like organism" (MLO) means a submicroscopic infectious agent capable of producing disease symptoms in host plants. MLOs do not have the outer protein coat that characterizes viruses.

(4) "Symptomless carrier" means a plant which may be infected by or capable of hosting a disease agent but which does not show visible disease symptoms.

(5) "Growing ground" means any property within the area under quarantine on which nursery stock (cuttings, budsticks, scions, rootstocks, or finished trees) are produced for distribution or sale.

AMENDATORY SECTION (Amending Order 386, effective 3/30/43)

WAC 16-487-010 ((~~INFECTED--TERRITORY~~)) DISPOSITION OF MATERIALS MOVED IN VIOLATION--PENALTIES. ((Whereas, it has been determined that dangerous diseases of peach trees, known as peach rosette, peach yellows, and little peach, not known to exist in the state of Washington, exists in and is prevalent over an indeterminable area in the states hereinafter described:

Alabama-----	Mississippi
Arkansas-----	New Jersey
Connecticut-----	New York
Delaware-----	North Carolina
Dist. of Columbia-----	Ohio
Florida-----	Oklahoma
Georgia-----	Pennsylvania
Illinois-----	Rhode Island
Indiana-----	South Carolina
Kentucky-----	Tennessee
Maryland-----	Virginia
Massachusetts-----	West Virginia

Michigan)) Regulated articles, shipped in violation of this chapter, will be denied entry into the state, returned to the point of origin or destroyed at the option and expense of the owner(s) or their responsible agent. In addition, any person violating the terms of the quarantines in this chapter shall be subject to the criminal and civil penalties provided in law.

NEW SECTION

WAC 16-487-015 NOTIFICATION REQUIREMENT. Persons shipping regulated articles into the state of Washington from areas under quarantine by the provisions of this chapter shall notify the department's plant protection branch of the nature and quantity of each shipment, its destination, its expected date of arrival, and the name of the intended receiver. Such notification shall be by mail or telefax prior to shipment.



NEW SECTION

WAC 16-487-017 EXEMPTION FOR EXPERIMENTAL USES. The provisions of this chapter shall not apply to plants or propagative parts of plants imported for experimental purposes by the United States Department of Agriculture or the Washington State University agricultural experiment stations: PROVIDED, That a permit to import has been issued by the director.

AMENDATORY SECTION (Amending Order 386, effective 3/30/43)

WAC 16-487-020 ((ESTABLISHING QUARANTINE--CARRIERS OF--DISEASE))  
PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASES--ESTABLISHING QUARANTINE. (({1}) Whereas, the introduction of these diseases into the state of Washington would entail great loss to the horticultural interests of this state, and

{2} Whereas, the most rigid examinations cannot determine the presence of these diseases in all cases upon nursery stock,

{3} Now, therefore, I, Arthur E. Cox, director of agriculture of the state of Washington, under authority vested in me by RCW 17.24-030, in order to prevent the introduction of said peach yellows, and/or peach rosette, and/or little peach, diseases into the state of Washington, do hereby proclaim and establish a quarantine prohibiting the shipment or movement into Washington of all trees, cuttings, grafts, scions or buds of all species and varieties including the flowering forms of peach, nectarine, apricot, almond, and plum, or any trees budded or grafted on peach stock or peach roots grown in or imported, shipped or brought from the said infected territory, and no such possible carriers of these diseases as quarantined against in this order shall be permitted entry into the state of Washington.)  
The director has determined that peach yellows, little peach, and red suture diseases do not exist in the state of Washington and that the introduction of these diseases into the state would cause economic loss to the horticultural industries within the state. To prevent this loss, a quarantine is hereby established against these mycoplasma-like organisms, their host plants, and possible carriers.

NEW SECTION

WAC 16-487-023 PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASE QUARANTINE--REGULATED ARTICLES. The following articles are regulated under the terms of the peach yellows, little peach, and red suture disease quarantine:

(1) The pathogens which cause peach yellows, little peach, and red suture diseases on peach. The pathogen is an MLO. All three diseases are considered to be caused by the same pathogen.

(2) Trees and all parts capable of propagation including cuttings, budsticks, scions, and rootstocks, except seeds (fruit pits) of all species of the genus Prunus are declared hosts and possible carriers, except those listed in WAC 16-487-025.

NEW SECTION

WAC 16-487-025 PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASE QUARANTINE--SPECIES NOT REGULATED. The following species have



been determined not to be hosts of peach yellows, little peach, and red suture diseases and are not regulated under this quarantine:

mazzard cherry, sweet cherry (*Prunus avium*)  
 sand cherry, western sand cherry (*Prunus besseyi*)  
 sour cherry (*Prunus cerasus*)  
 American cherry laurel, Carolina cherry laurel (*Prunus caroliniana*)  
 hollyleaf cherry, California cherry (*Prunus ilicifolia*)  
 cherry laurel, English laurel (*Prunus laurocerasus*)  
 Portugal laurel (*Prunus lusitanica*)  
 Catalina cherry (*Prunus lyonii*)

#### AMENDATORY SECTION (Amending Order 386, effective 3/30/43)

WAC 16-487-030 ((~~NONINFECTED--AREAS~~)) PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASE QUARANTINE--QUARANTINE AREA. ((~~Nursery trees,--cuttings,--grafts,--scions-or-buds-of-all-species-and-varieties, including the flowering forms of peach, nectarine, apricot, almond and plum or any trees budded or grafted on peach stock or peach roots grown in noninfected areas will be admitted into the state of Washington provided the following provisions are complied with:~~

{1}-~~That none of the products mentioned in the above paragraph will be admitted into the state of Washington unless each shipment is accompanied by a statement signed by an official of the department of agriculture of the state from where such shipment is made, stating where such trees were grown and where the trees, cuttings, grafts, scions or buds, peach stock, or peach roots were obtained.~~

{2}-~~All shipments of nursery stock shall be plainly marked with the contents on the outside of the package or container.~~) The entire states of Alabama, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia are declared to be quarantined areas for peach yellows, little peach, and red suture diseases.

#### AMENDATORY SECTION (Amending Order 386, effective 3/30/43)

WAC 16-487-040 ((~~CARRIER AGENTS MUST HOLD SHIPMENTS~~)) PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASE QUARANTINE--ABSOLUTE QUARANTINE FOR SYMPTOMLESS CARRIERS. ((~~All products admissible under the foregoing provisions must be held by common carrier agent and not delivered to consignee or agent until inspected and passed by the director of agriculture, his deputy or deputies.~~) The following species of plum trees and all parts capable of propagation (including their use as understock for other species) are symptomless carriers of peach yellows, little peach, and red suture diseases and are prohibited entry into Washington state:

American plum (*Prunus americana*)  
myrobalan plum, cherry plum, "Antropurpurea," purple leaf plum (*Prunus cerasifera*)  
European plum, prune (*Prunus domestica*)  
hortulan plum (*Prunus hortulana*)  
wild goose plum (*Prunus munsoniana*)  
Japanese plum (*Prunus salicina*)  
hybrids of any of the above and wild native species of plum.



AMENDATORY SECTION (Amending Order 386, effective 3/30/43)

WAC 16-487-050 ((DISPOSITION-OF-PRODUCTS-SHIPED-IN-VIOLATION-OF QUARANTINE)) PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASE QUARANTINE--CONDITIONS FOR MOVEMENT OF REGULATED ARTICLES. (({1})--All trees, cuttings, grafts, scions, or buds of all species and varieties, including--flowering--forms--of--peach, nectarine, apricot, almond and plum, or any trees budded or grafted on peach--stock--or--peach--root grown--in--or--imported, shipped, or brought from said quarantine area, arriving in the state of Washington in violation of the provisions--of this quarantine, shall be refused admittance into Washington and shall be--immediately--sent--out--of--the--state--or--destroyed--at--the--option--and expense--of--the--owner--or--owners, his--or--their--responsible--agents.

{2}-All horticultural inspectors of the department of agriculture are hereby empowered and instructed to carry--out--the--provisions--of this quarantine.

{3}-The foregoing does not apply to the experiments of the United States--Department of Agriculture and the state experiment stations in the state of Washington, providing a permit to import is issued by the director of agriculture.) Plants and propagative plant parts of the restricted Prunus species, other than symptomless carriers listed in WAC 16-487-040 or stock budded onto those symptomless carriers, shall be permitted entry into the state provided that all the following requirements have been met:

(1) Each species and variety is properly labeled as to scientific name and state of origin.

(2) Each lot or shipment is accompanied by a certificate issued by the department of agriculture or state university certification program of the state of origin, verifying that these plants or plant parts have been certified in accordance with the regulations of a certification program which includes inspection and indexing on suitable indicator hosts and/or by other official, recognized methods for peach yellows, little peach or red suture disease and certifying that the plants or plant parts meet official certification standards of the shipping state for freedom from peach yellows, little peach or red suture disease.

(3) Peach yellows, little peach, and red suture disease symptoms have not been found during the period when stock was growing or budwood taken either on or within one mile of the growing grounds.

(4) No symptomless plum species or other species on symptomless plum understock existed on the growing grounds during the production of the nursery stock.

AMENDATORY SECTION (Amending Order 386, effective 3/30/43)

WAC 16-487-060 ((VIOLATIONS)) PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASE QUARANTINE--RESHIPMENT PERMITTED UNDER CERTIFICATE. ((Any violation of these orders--shall--be--dealt--with--according--to law)) Certificates may be issued for reshipment of dormant host trees and propagative parts which have been produced outside the areas under quarantine for peach yellows, little peach, and red suture diseases established in WAC 16-487-030 and which have remained dormant while within the area under quarantine. Certificates shall state the name of the state where the material was produced and state that the material remained dormant while within the quarantine area.



NEW SECTION

WAC 16-487-100 PEACH ROSETTE DISEASE QUARANTINE--ESTABLISHING QUARANTINE. The director has determined that peach rosette disease is not present in the state of Washington and that the introduction of this disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the mycoplasma-like organism, its host plants, and possible carriers.

NEW SECTION

WAC 16-487-110 PEACH ROSETTE DISEASE QUARANTINE--REGULATED ARTICLES. The following articles are regulated under the terms of the peach rosette disease quarantine:

- (1) The pathogen which causes peach rosette disease. The pathogen is a mycoplasma-like organism.
- (2) Trees and all parts capable of propagation including cuttings, budsticks, scions, and rootstocks, except seed (fruit pits) of all species of the genus *Prunus* are declared possible hosts and carriers of peach rosette disease except those listed in WAC 16-487-120.

NEW SECTION

WAC 16-487-120 PEACH ROSETTE DISEASE QUARANTINE--SPECIES NOT REGULATED. The following species have been determined not to be carriers of peach rosette disease and are not regulated under the terms of the peach rosette disease quarantine:

American cherry laurel, Carolina cherry laurel (*Prunus caroliniana*)  
 holly leaf cherry, California cherry (*Prunus ilicifolia*)  
 cherry laurel, English laurel (*Prunus laurocerasus*)  
 Portugal laurel (*Prunus lusitanica*)  
 Catalina cherry (*Prunus lyonii*)

NEW SECTION

WAC 16-487-130 PEACH ROSETTE DISEASE QUARANTINE--QUARANTINE AREA. The entire states of Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, South Carolina, Tennessee, and West Virginia are declared to be quarantined areas for peach rosette disease.

NEW SECTION

WAC 16-487-140 PEACH ROSETTE DISEASE QUARANTINE--ABSOLUTE QUARANTINE FOR SYMPTOMLESS CARRIERS. The following species of plum trees and all parts capable of propagation (including their use as understock for other species), except seed, are symptomless carriers of peach rosette disease and are prohibited entry into Washington state:



the "Wilson" cultivar of apricot (*Prunus armeniaca*)  
 Mariana plums (*Prunus cerasifera* x *P. munsoniana*)  
 any tree grafted on Mariana plum understock

#### NEW SECTION

WAC 16-487-150 PEACH ROSETTE DISEASE QUARANTINE--CONDITIONS FOR MOVEMENT OF REGULATED ARTICLES. Plants and all parts capable of propagation of the restricted *Prunus* species, other than symptomless carriers listed in WAC 16-487-140 or stock budded onto those symptomless carriers, shall be permitted entry into the state provided that all the following requirements have been met:

- (1) Each species and variety is properly labeled as to scientific name and state of origin.
- (2) Each lot or shipment is accompanied by a certificate issued by the department of agriculture or state university certification program of the state of origin, verifying that these plants or plant parts have been certified in accordance with the regulations of a certification program which includes inspection and indexing on suitable indicator hosts and/or by other official, recognized methods for peach rosette disease and certifying that the plants or plant parts meet official certification standards of the shipping state for freedom from peach rosette disease.
- (3) Peach rosette disease symptoms have not been found during the period when stock was growing or budwood taken either on or within one mile of the growing grounds.
- (4) No symptomless plum species or other species on symptomless plum understock listed in WAC 16-487-140 existed on the growing grounds during the production of the nursery stock.

#### NEW SECTION

WAC 16-487-160 PEACH ROSETTE DISEASE QUARANTINE--RESHIPMENT PERMITTED UNDER CERTIFICATION. Certificates may be issued for reshipment of dormant host trees and propagative parts which have been produced outside the areas under quarantine for peach rosette disease established in WAC 16-487-130 and which have remained dormant while within the area under quarantine. Certificates shall state the name of the state where the material was produced and state that the material remained dormant while within the quarantine area.

#### NEW SECTION

WAC 16-487-200 PEACH MOSAIC VIRUS--ESTABLISHING QUARANTINE. The director has determined that peach mosaic virus is not present in the state of Washington and that the introduction of this disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the virus, its host plants, and possible carriers.



NEW SECTION

WAC 16-487-210 PEACH MOSAIC VIRUS QUARANTINE--REGULATED ARTICLES. The following articles are regulated under the terms of the peach mosaic virus quarantine:

- (1) Peach mosaic virus and any virus capable of causing symptoms identical with those of peach mosaic virus.
- (2) All trees and parts of trees capable of propagation including cuttings, budsticks, scions, and rootstock, except seeds (fruit pits), of all species, varieties, and hybrids of almond, apricot, peach, plum, prune, and nectarine and Manchu cherry (*Prunus tomentosa*) and western sand cherry (*Prunus besseyi*).

NEW SECTION

WAC 16-487-220 PEACH MOSAIC VIRUS QUARANTINE--REGULATED AREA. The following are declared to be areas under quarantine for peach mosaic virus:

- (1) The entire states of Arizona and New Mexico.
- (2) In Colorado, the counties of Delta, Garfield, Mesa, Montezuma, and Montrose.
- (3) In Oklahoma, the counties of Alfalfa, Bryan, Johnson, and Woods.
- (4) In Texas, the counties of Brown, Callahan, Camp, Cherokee, Comanche, Dallas, Eastland, El Paso, Erath, Fisher, Floyd, Freestone, Hale, Harrison, Hudspeth, Jones, Limestone, Palo Pinto, Runnels, San Saba, Smith, Tarrant, Taylor, Upshur, and Young.
- (5) In California, the counties of Los Angeles, Riverside, San Bernardino, and San Diego.

NEW SECTION

WAC 16-487-230 PEACH MOSAIC VIRUS QUARANTINE--REQUIREMENTS. All articles and commodities listed in WAC 16-487-210 from areas under quarantine, as listed in WAC 16-487-220, are prohibited entry into Washington state.

NEW SECTION

WAC 16-487-240 PEACH MOSAIC VIRUS QUARANTINE--SPECIAL PERMITS. The director may issue special permits allowing entry of articles or commodities otherwise prohibited in WAC 16-487-210. The permit shall state all mandatory provisions or conditions under which entry is allowed.

NEW SECTION

WAC 16-487-250 PEACH MOSAIC VIRUS--RESHIPMENT PERMITTED UNDER CERTIFICATE. Certificates may be issued for reshipment of dormant host trees and propagative parts which have been produced outside the areas under quarantine for peach mosaic virus as established in WAC



16-487-220 and which have remained dormant while within the area under quarantine. Certificates shall state the name of the state where the material was produced and state that the material remained dormant while within the quarantine area.

#### NEW SECTION

WAC 16-487-300 PEACH ROSETTE MOSAIC VIRUS--ESTABLISHING QUARANTINE. The director has determined that peach rosette mosaic virus is not present in the state of Washington and that the introduction of the disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the virus (pest), its host plants, and possible carriers.

#### NEW SECTION

WAC 16-487-310 PEACH ROSETTE MOSAIC VIRUS QUARANTINE--REGULATED ARTICLES. The following articles are regulated under the terms of the peach rosette mosaic virus disease quarantine:

- (1) Peach rosette mosaic virus (PRMV).
- (2) All plants and parts of plants capable of propagation including cuttings, budsticks, scions, and rootstock, except seeds, of peach trees and blueberry plants.

#### NEW SECTION

WAC 16-487-320 PEACH ROSETTE MOSAIC VIRUS QUARANTINE--REGULATED AREA. The counties of Berrien, Kalamazoo, and Van Buren in the state of Michigan are declared to be areas under quarantine for peach rosette mosaic virus disease.

#### NEW SECTION

WAC 16-487-330 PEACH ROSETTE MOSAIC VIRUS QUARANTINE--REQUIREMENTS. All articles and commodities listed in WAC 16-487-310 from areas under quarantine, as listed in WAC 16-487-320, are prohibited entry into Washington state.

#### NEW SECTION

WAC 16-487-335 PEACH ROSETTE MOSAIC VIRUS QUARANTINE--SPECIAL PERMITS. The director may issue special permits allowing entry of articles or commodities otherwise prohibited in WAC 16-487-310. The permit shall state all mandatory provisions or conditions under which entry is allowed.